

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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JOHN WILSON,

Plaintiff,

- against -

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

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**DECLARATION OF  
KATHERINE “Q” ADAMS IN  
SUPPORT OF PLAINTIFF’S  
ATTORNEYS’ FEES  
APPLICATION**

**20-CV-10324 (LAK) (SDA)**

I, KATHERINE “Q” ADAMS, an attorney duly licensed to practice law in this Court, pursuant to 28 U.S.C. § 1746, do hereby declare under penalties of perjury:

1. I am an Attorney at Beldock Levine & Hoffman, LLP, 99 Park Avenue, PH/26th Floor, New York, NY 10016, and one of attorneys for Plaintiff John Wilson in the above-referenced action. I submit this declaration based on personal knowledge, in support of the Plaintiff’s application for attorneys’ fees.

2. The Court, in its Report and Recommendation dated February 16, 2022 (Dkt. No. 44), so-ordered on April 4, 2022 (Dkt. No. 49), found that the FBI failed to meet the burden of showing its search was adequate under the Freedom of Information Act (“FOIA”) given its failure to search the Delta record-keeping system, and compelled Defendant to conduct a new search. As discussed in Plaintiff’s Memorandum of Law in Support of Plaintiff’s Motion for Attorneys’ Fees and Costs, Mr. Wilson has substantially prevailed under FOIA and is therefore entitled to reasonable legal fees and expenses incurred in this litigation.

3. On Plaintiff’s behalf, I seek costs and reasonable attorneys’ fees in the amount of \$63,880.43. This combines the 126.90 hours of work I did at the hourly rate of \$325.00 as well as the 20.60 hours of work Partner David B. Rankin did at the hourly rate of \$575.00, the 6.70

hours of work done by Paralegals Abigail Robinson and Elizabeth Leader at the hourly rate of \$175.00, and the 1.00 hour of work done by Paralegal Sophie Nettesheim at the hourly rate of \$150.00. The figure also includes Petitioner's out-of-pocket costs of \$9,470.43 to cover expert witnesses and investigators, filing fees, postage, computer assisted law research, and process service fees. The calculation of these amounts is demonstrated in Exhibit 1.

### **Counsel's Billing Records**

4. I have attached my and Mr. Rankin's time records for the prosecution of the FOIA proceeding as Exhibit 1. These time sheets are based on contemporaneous records and, in an effort to make a reasonable demand, do not include the work spent preparing this fee application.

5. The work that Mr. Rankin and I have performed to date, and for which Petitioner seeks to recover its costs and reasonable attorney's fees, includes, among other tasks:

- Reviewing the administrative record;
- Legal research on the FOIL exemption that Respondent used to deny Petitioner's FOIL request;
- Drafting the FOIA Petition;
- Communicating with Respondent's counsel about a resolution to this litigation;
- Communicating with Petitioner about case strategy;
- Drafting the reply to Respondent's Answer;

6. The time sheet does not include any further work that may be necessary in this action, such as time spent on any appeal that Respondent may choose to take or time spent litigating this fee application.

7. Plaintiff also incurred out-of-pocket costs associated with this action consisting of \$402.00 in filing fees, \$153.55 in postage and courier fees, \$37.04 in computer assisted law research, \$8,788.75 in expert, investigator, and professional services, and \$89.09 in telephone conference service fees. I have attached receipts for these costs as Exhibits 1 and 2.

**Katherine “Q” Adams’s Qualifications**

8. I am an Associate at Beldock Levine & Hoffman LLP. I have been admitted to practice in New York courts since October 2020 and am currently admitted in the United States District Court for the Southern and Eastern Districts of New York.

9. I graduated from the University of Oklahoma with a Bachelor of Arts, with honors, in 2016.

10. I attended New York University School of Law on a partial merit-based scholarship. While there, I served as a policy research assistant to the Katal Center for Health, Equity and Justice. I completed internships at the Katal Center for Health, Equity and Justice and the New York Legal Assistance Group Tenants’ Rights Unit. As part of those assistantships and internships, I drafted multiple briefs and motions and gained significant experience conducting legal research.

11. I graduated from New York University School of Law in May 2019.

12. I began working at Beldock Levine & Hoffman in September 2019. While at BLH, I have worked on multiple cases of FOIA and N.Y. Freedom of Information Law records requests, employment and education discrimination, police and governmental misconduct, wrongful death, class actions, false arrests, and other civil rights matters.

**Katherine “Q” Adams’s Billing Rate**

13. An hourly rate of \$325 for my work is reasonable and well within the parameters for hourly rates of an attorney with the years of experience I have gained at BLH working on civil rights cases and my prior practical legal experiences during law school.

14. “Precedent in the Southern District of New York demonstrates that a reasonable hourly rate for a civil rights attorney can range from \$250 to \$650.” *Lilly v. City of New York*, No. 16 Civ. 322, 2017 WL 3493249, at \*1 (S.D.N.Y. Aug. 15, 2017) (citing *Abdell v. City of New York*, No. 05 Civ. 8452, 2015 WL 898974, at \*3 (S.D.N.Y. Mar. 2, 2015)). Similar cases in the Eastern District, where fee awards tend to be slightly lower (*see Centro de la Comunidad Hispana de Locust Valley v. Town of Oyster Bay*, 2019 U.S. Dist. LEXIS 102840 (E.D.N.Y. Jun 18, 2019) (report and recommendation)), have found similar hourly rates appropriate for associates. *See Reiter v. Maxi-Aids, Inc.*, No. 14 CV 3712, 2019 WL 1641306, at \*4 (E.D.N.Y. Apr. 16, 2019) (noting propriety of a rate of \$325 for associates in fee shifting cases); *McLaughlin v. IDT Energy*, No. 14 CV 4107, 2018 WL 3642627, at \*17 (E.D.N.Y. July 30, 2018) (noting propriety of an award of \$300 for associates with three to five years of experience) (report and recommendation).

#### **Fees and Costs Sought**

15. As set forth above, Plaintiff respectfully requests \$63,880.43 in total costs and reasonable attorney’s fees. This figure combines the \$9,470.43 incurred in out-of-pocket expenses with the 126.90 hours of work that I did at an hourly rate of \$325.00, the 20.60 hours of work that Mr. Rankin did at an hourly rate of \$575.00, the 6.70 hours of work that Ms. Robinson and Ms. Leader did at an hourly rate of \$175.00, and the 1.00 hour of work Mx. Nettesheim did at an hourly rate of \$150.00. See Exhibit 1.

16. The combined 155.20 hours spent litigating this action were reasonable and necessary to achieve success.

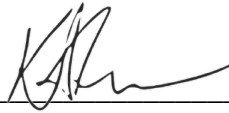
**Exhibits**

17. Annexed hereto are true and accurate copies of the following exhibits:

- a) Exhibit 1: Time Records of Beldock Levine & Hoffman, dated April 8, 2022
- b) Exhibit 2: Invoices of Eagle Security Expert Consultation, dated October 5, 2021 and November 9, 2021

Dated: July 1, 2022  
New York, New York

Respectfully submitted,

By:   
Katherine "Q" Adams, Esq.  
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